

DETERMINATION AND STATEMENT OF REASONS

NORTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	24 October 2024
DATE OF PANEL DECISION	23 October 2024
DATE OF PANEL BRIEFING	22 October 2024
PANEL MEMBERS	Dianne Leeson (Chair), Stephen Gow, Michael Wright, James Treloar, and Warwick Stimson
APOLOGIES	None
DECLARATIONS OF INTEREST	<p>Glenn Inglis declared a conflict of interest as he was a previous Councillor of Tamworth Regional Council in the period 2016 to 2021 who declared a non-pecuniary interest in the initial planning proposal (PP-2021-4286). The nature of the interest was twofold:</p> <ol style="list-style-type: none"> 1. Personal property ownership in close proximity to the site and 2. Family member property ownership in Rodeo Drive being a potential connector road in the overall Master Plan for Arcadia Estate West & East. <p>He did not participate in the meeting.</p>

Papers circulated electronically on 15 October 2024.

MATTER DETERMINED

PPSNTH-192 - Tamworth - DA2023-0232 - Duri Road, Hillvue – 961 lot Torrens title subdivision, associated infrastructure (roads, servicing, stormwater management, and detention basins), external intersection upgrade works, and ancillary works including minor removal of vegetation, earthworks, landscaping, estate signage, and two recreational (public park) areas (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspection listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the Application for the following reasons, including those set out in Council's Assessment Report:

1. The proposal is generally consistent with the objectives of the New England North West Regional Plan 2041 and is identified in that plan as a developing residential area.
2. The proposal is permissible with consent in the R1 General Residential, R2 Low Density Residential and E1 Local Centre zones of Tamworth Regional Local Environmental Plan 2010 and generally consistent with the relevant objectives of each zone.
3. The site of the proposed development is suitable for the intended use with adequate roads and access and utilities services able to be provided and upgraded.
4. Proposed habitat and restoration works will protect and improve the Burkes Gully corridor.

5. The Panel is satisfied that impacts associated with the proposed development can be adequately mitigated through the imposition of conditions. The proposed development will generate employment and economic benefit to the region through construction and supply of additional housing.
6. The Panel has imposed additional conditions to address public transport infrastructure and to align timing requirements for connections to the east and to Duri Road in the west.
7. For the above reasons the Panel concludes the proposal is in the public interest.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- Insert new Condition 24, which reads as follows:
 - 24) Prior to issue of a Subdivision Works Certificate, for the relevant stage, the engineering design plans must identify and allow for bus routes and facilities. The developer must provide evidence of consultation with local bus service providers and be approved by Council and endorsed by Local Traffic Committee.
- Amend now Condition 25 (former Condition 24) to insert the word 'endorsed by' in the second sentence before the words 'Local Traffic Committee'
- Amend now Condition 27 (former Condition 26) part n) to read as follows and renumber the remaining parts accordingly:
 - 27n) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: AS 4970 – Protection of trees on development sites;
- Insert new Condition 29 which reads as follows and renumber the remaining conditions accordingly:
 - 29) An application (together with a plan) must be submitted to Council for the renaming or dual naming of Burkes Gully. The suggested name must be supported with reasons (historical or otherwise) in consultation with the Tamworth Local Aboriginal Land Council and any other relevant parties.

Advisory Note: Council's Development Hub should be contacted via email at development@tamworth.nsw.gov.au or phone (02) 6767 5507 for assistance with road naming.
- Amend now Condition 52 (former Condition 50) to delete '500' and insert '550'
- Amend now Condition 91 (former Condition 89) to correct the spelling of 'yields' in the second sentence
- Delete former Condition 95 and renumber the remaining conditions accordingly

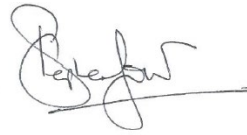
CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

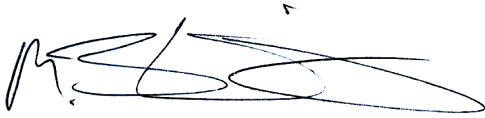
PANEL MEMBERS



Dianne Leeson (Chair)



Stephen Gow



Michael Wright



James Treloar



Warwick Stimson

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-192 – Tamworth – DA2023-0232
2	PROPOSED DEVELOPMENT	961 lot Torrens Title subdivision, associated infrastructure (roads, servicing, stormwater management, and detention basins), external intersection upgrade works, and ancillary works including minor removal of vegetation, earthworks, landscaping, estate signage, and two recreational (public park) areas
3	STREET ADDRESS	Duri Road, Hillvue (Lot 6 DP 1211122)
4	APPLICANT/OWNER	MAAS Group Properties Arcadia Pty Limited
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Industry and Employment) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy Transport and Infrastructure) 2021 Tamworth Local Environmental Plan 2010 Draft environmental planning instruments: Phase 1 Review of the Tamworth Regional Local Environmental Plan 2010 Development control plans: <ul style="list-style-type: none"> Tamworth Regional Development Control Plan 2010 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 15 October 2024 Amended Council Assessment Report: 18 October 2024 Written submissions during public exhibition: 0 Total number of unique submissions received by way of objection: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 24 May 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Dianne Leeson (Chair), Michael Wright, James Treloar and Stephen Bartlett <u>Council assessment staff</u>: Mitchell Gillogly, Tyson Ek-Moller, Kyle Johannes, Sam Lobsey and Andrew Spicer <u>Department staff</u>: Carolyn Hunt and Lisa Foley Site inspection: 18 July 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, James Treloar and Stephen Bartlett <u>Council assessment staff</u>: Alice Elsley and Mitchell Gillogly

		<ul style="list-style-type: none"> • Applicant Briefing: 22 October 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, James Treloar and Warwick Stimson ○ <u>Applicant representatives</u>: Brad Draper, Steve Guy and Dominic Wilson ○ <u>Council assessment staff</u>: Mitchell Gillogly, Sam Lobsey, Alice Elsley ○ <u>Department staff</u>: Carolyn Hunt • Final briefing to discuss Council's recommendation: 22 October 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, James Treloar and Warwick Stimson ○ <u>Council assessment staff</u>: Mitchell Gillogly, Sam Lobsey, Alice Elsley, Cynthia Lambert ○ <u>Department staff</u>: Carolyn Hunt
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report and amended on 18/10/2024